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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Ricardo Godinez, <i>on behalf of himself</i>)	Case No. 8:16-cv-00828-CJC-DFM
<i>and others similarly situated,</i>)	
)	PLAINTIFF'S NOTICE AND
Plaintiff,)	MOTION FOR EXTENSION OF
)	CLASS CERTIFICATION
vs.)	DEADLINE
)	
Law Offices of Clark Garen, and)	MOTION HEARING: Sept. 12, 2016
The Best Service Co., Inc.)	
)	THE HON. CORMAC J. CARNEY
Defendants.)	
_____)	

TO ALL PARTIES AND ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that Plaintiff, Ricardo Godinez, through his undersigned counsel, moves this Court for an extension of time within which to file his anticipated motion for class certification. This motion is made following the

1 conference of counsel pursuant to L.R. 7-3, which took place on August 3, 2016. As
 2 Plaintiff lacks the necessary discovery to fully support his class certification
 3 application, he respectfully requests an extension of the filing deadline until 45 days
 4 after the deadline for Defendants' discovery responses. The bases for Plaintiff's
 5 motion are more fully developed in the memorandum of points and authorities that
 6 follows.
 7

8
 9 Dated: August 5, 2016

Respectfully submitted,

10 /s/ Jesse S. Johnson

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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Ricardo Godinez, *on behalf of himself
and others similarly situated,*

Plaintiff,

VS.

Law Offices of Clark Garen, and
The Best Service Co., Inc.

Defendants.

) Case No. 8:16-cv-00828-CJC-DFM
)
) MEMORANDUM OF POINTS AND
) AUTHORITIES IN SUPPORT OF
) PLAINTIFF’S MOTION FOR
) EXTENSION OF CLASS
) CERTIFICATION DEADLINE
)
) MOTION HEARING: Sept. 12, 2016
)
) THE HON. CORMAC J. CARNEY
)

On May 3, 2016, Ricardo Godinez (“Plaintiff”) filed his class action complaint under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, against the Law Offices of Clark Garen (“Garen”) and The Best Service Co., Inc. (“Best Service”) (together, “Defendants”). ECF No. 1. Best Service was

1 served with Plaintiff's complaint on May 9, 2016, ECF No. 20, and Garen was
2 served on May 13, 2016. ECF No. 19.

3 Local Rule 23-3 requires that Plaintiff file his class certification motion
4 "[w]ithin 90 days after service of [his] pleading purporting to commence a class
5 action" C.D. Cal. L.R. 23-2. Thus, in accord with this Court's Local Rules,
6 Plaintiff must submit his class certification motion as early as August 8, 2016 or as
7 late as August 11, 2016, depending on whether the Local Rule is triggered by service
8 on Best Service or service on Garen. However, Plaintiff hereby seeks an extension
9 of either deadline in light of ongoing discovery between the parties.
10

11 That is, Plaintiff served his First Set of Interrogatories and First Requests for
12 Production of Documents on Defendants on July 14, 2016, and Defendants'
13 responses to those discovery requests are not due until August 18, 2016—about a
14 week *after* either deadline for Plaintiff's certification motion. This case is a class
15 action seeking relief for alleged violations of the FDCPA by Defendants against
16 Plaintiff and putative classes of individuals similarly situated. While Plaintiff
17 possesses much of the information he needs to move for class certification, to satisfy
18 the numerosity requirement under Rule 23(a)(1), Plaintiff requires discovery to
19 determine the exact number of consumers to whom Defendant sent materially
20 similar debt collection communications alleged to have violated the FDCPA. Such
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1 discovery also will support the commonality, typicality, and adequacy requirements
2 under Rules 23(a)(2)-(4) of the Federal Rules of Civil Procedure.

3 Plaintiff requested this information in connection with the discovery he served
4 on Defendants, and to which answers and responses are not due until August 18,
5 2016. As of the filing of this motion, Defendants have yet to respond to Plaintiff's
6 written discovery. Preventing Plaintiff from obtaining this information will
7 prejudice his ability to prepare a fully supported motion for class certification within
8 the time allotted by this Court's Local Rules.
9

10 Rule 6(b)(1) of the Federal Rules of Civil Procedure provides:

11 When an act may or must be done within a specified time, the
12 court, may, for good cause, extend the time:

13 (a) with or without motion or notice if the court acts, or if a
14 request is made, before the original time or its extension expires;
15 or

16 (b) on motion made after the time has expired if the party failed
17 to act because of excusable neglect.

18 Fed. R. Civ. P. 6(b)(1).

19 Pretrial discovery is important in the context of class certification because "the
20 federal rules do not . . . require or encourage premature certification determinations."
21 *Weiss v. Regal Collections*, 385 F.3d 337, 347 (3d Cir. 2004). Allowing time for
22 discovery supporting certification motions is necessary for sound judicial
23 administration. *See Torres v. Nutrisystem, Inc.*, 289 F.R.D. 587, 591 (C.D. Cal.
24 2013) (Carney, J.) ("[I]t may be necessary for the court to probe behind the pleadings

1 before coming to rest on the certification question, and that certification is proper
2 only if the trial court is satisfied, after a rigorous analysis, that the prerequisites of
3 Rule 23(a) have been satisfied.”) (quoting *Comcast Corp. v. Behrend*, 133 S. Ct.
4 1426, 1431 (2013)); *see also* 7B Wright and Miller, Fed. Practice and Procedure §
5 1785, at 107 (“The [certification] determination usually should be predicated on
6 more information than the complaint itself affords.”).

8 Once Plaintiff has obtained the necessary certification-related discovery from
9 Defendants—which information remains exclusively in Defendants’ custody and
10 control at this time—he will submit his certification application to this Court as soon
11 as practicable. To that end, Plaintiff respectfully requests that this Court enter an
12 order granting Plaintiff 45 days from the date on which Defendants serve their
13 responses to Plaintiff’s First Set of Interrogatories and First Requests for Production
14 of Documents, to move for class certification. This proposed schedule provides for
15 time for the parties to meet and confer regarding Defendants’ initial responses, and
16 for Defendants to supplement their responses if necessary.

18 Plaintiff’s counsel conferred with Defendants’ counsel regarding this request.
19 The undersigned sent emails to Defendants’ counsel on July 26, July 28, and again
20 on August 2. Counsel also placed at least one telephone call to Defendants’ counsel
21 during the interim. Defendants’ counsel finally responded on August 3 to state that
22 Defendants oppose Plaintiff’s request for an extension. On August 4, the
23
24

undersigned attempted one last time to reach agreement with Defendants concerning the proposed extension. Defendants' counsel never responded.

Plaintiff thus respectfully requests that this Court enter the accompanying order granting Plaintiff relief from Local Rule 23-3 to allow him to file his class certification motion within 45 days of receiving Defendants' responses to Plaintiff's initial written discovery.

Dated: August 5, 2016

Respectfully submitted,

/s/ Jesse Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2016, I filed a copy of the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notice of the same to all counsel of record.

/s/ Jesse Johnson
Jesse S. Johnson